IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 11654 of 2004

Between:

Sri Kate Sudhakar S/o. Late Rama Swamy, 44 years,
R/o. Kuyyeru Kajuluru Mandal, East Godavari District.

..... PETITIONER

AND

1 Vijaya Bank (a Government of India undertaking being represented by its Chief Manager Hyderabad A.P.
2 Vijay Bank Karapa Brach (4041) being represented by its Branch Manager Karapa -Karapa Mandal East Godavari District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ order or direction more particularly one in the nature of writ of mandamus declaring the proceeding issued by the first respondent dt.10-8-2002 as illegal, arbitrary capricious, unjust and violative of principles of natural justice and violating Article 21 of the constitution of India and consequently to set aside the same and consequently to direct the respondents to provide him any post in their bank on compassionate grounds either by revising or relaxing the existing compassionate appointment scheme within the time stipulated.

Counsel for the Petitioner: SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondents No.: MR.E.AJAY REDDY

The Court at the admission stage made the following :

ORDER:

The petitioner is the brother of one Kate Madan Chandra Mohan. The said Chandra Mohan worked in the respondent bank and died on 14-11-1998 while in service. His wife pre-deceased him leaving three minor children, since there was nobody to take care of the minor kids. The petitioner who was appointed as a guardian to the minor children is looking after them. The petitioner further submits that he is unable to maintain the minor children of his late brother without any job. Therefore, he approached the respondent bank through several representations requesting him to provide any job on Compassionate grounds to maintain the minor children. Though there were replies from the respondent bank that the matter was under consideration, no orders have been passed till now regarding his request for Compassionate appointment. But, subsequently, on 10-08-2002, the first respondent gave the following reply to the petitioner.

“This has reference to your representation dated 7.8.2002 seeking appointment in the Bank on Compassionate grounds.

In this connection, we inform that the Scheme for Compassionate Appointment provides for appointment of the spouse and children of the deceased employee alone. In view of the above, we are not in a position to process your request for Compassionate appointment as it does not fall within the purview of the existing scheme.”

The learned Counsel for the petitioner represents that though the first respondent mentioned in the letter dated 10-09-2001 that the existing scheme for appointment of Compassionate ground is under revision. He was not intimated whether there was any revision of the existing rules, if so whether the petitioner is entitled to get such benefit under the said scheme. Since the order of the first respondent dated 10-08-2002 does not disclose any information regarding the revision of the scheme if any, the petitioner approached this Court through this writ petition seeking to declare that the order of the first respondent dated 10-08-2002 as illegal, arbitrary, unjust and violative of principles of natural justice.

The learned Counsel for the petitioner further submitted that in the scheme for Compassionate appointments at para 6.3 gives the discretion to the concerned authority for relaxation of certain conditions in respect of Compassionate appointments. Therefore, the first respondent without considering all those aspects passed the impugned order.

Keeping in view, the submissions made by the learned Counsel for the petitioner and the points urged on behalf of the petitioner, the first respondent is directed to examine the case once again and pass appropriate orders mentioning whether there is any revision of the scheme extending the benefit of Compassionate appointments to the brother of the deceased also in addition to the spouse and children and whether para 6.3 of the scheme for Compassionate appointments is applicable to the petitioner and pass appropriate orders within eight weeks from the date of receipt of this order according to the existing rules, and communicate them to the petitioner.

Accordingly, the writ petition is disposed of.

25.10.2004

MRKR

To

1.The Chief Manager, Vijaya Bank (a Government of India undertaking), Hyderabad A.P.

2. The Branch Manager, Vijaya Bank Karapa Branch (4041), Karapa-Karapa Mandal, East Godavari District.

3. Two C.D copies